

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Donald McCollum, Jr.,	)	C/A No. 0:06-1934-JFA-BM
	)	
Plaintiff,	)	
v.	)	<b>ORDER</b>
	)	
Tenet Healthcare Corporation; Amisub	)	
of South Carolina, Inc. d/b/a Piedmont	)	
Healthcare System d/b/a Piedmont	)	
Medical Center; Lisa Horney, individuals	)	
and as agent server or employee of Tenet	)	
Healthcare Corporation, Amisub of South	)	
Carolina Inc., d/b/a Piedmont Medical Center	)	
and d/b/a Piedmont Healthcare Systems,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The plaintiff, a former employee of the defendants, originally brought this action in state court asserting claims for sexual harassment and retaliation under Title VII of the Civil Rights Acts of 1964, 42 U.S.C. § 2000e, *et seq.*. He also asserts state law claims for assault and battery, defamation, negligent hiring and supervision, and intentional infliction of emotional distress.

The defendants removed the action to this court and have filed a motion to compel arbitration and dismiss and/or stay plaintiff's claims pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

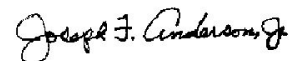
The Magistrate Judge has filed a detailed and comprehensive Report and Recommendation suggesting that the defendants' motion for to compel arbitration and dismiss plaintiff's claims be granted.

The parties were advised of their rights to file objections to the Report and Recommendation which was filed on October 10, 2006. Within the time prescribed by the Local Rules for this District, neither party has filed objections to the Report.

After a careful review of the Magistrate Judge's Report, as well as the law and record in this matter, the court finds that the report is based upon the proper law and is accepted and adopted in its entirety. Accordingly, defendants' motions to compel arbitration and dismiss under Rule 12(b)(1) are granted.

IT IS SO ORDERED.

November 20, 2006  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge